## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

UNITED STATES,	)	
	)	
	)	
v.	)	
	)	
	)	C.A. No. 99-10227-EFH
JUAN CARLOS URENA A/K/A ANGEL	)	
DIAZ.	)	
	)	
	)	
	)	

## MEMORANDUM AND ORDER

## HARRINGTON, S.J.

On November 10, 2005, Juan Carlos Urena, filing under the name "Angel Diaz" as his true name, currently a prisoner at the Suffolk County House of Correction in Boston, Massachusetts, filed a document entitled "Motion for an Order of Habeas Corpus Ad Testificandum," in connection with the case <a href="Commonwealth v. Angel Diaz a/k/a Juan Carlos Urena">Commonwealth of Massachusetts Docket No. 99083 MI.</a>

The document appears to be directed to the Commonwealth of Massachusetts Trial Court, although there is a handwritten notation that this document was intended for the "Boston Federal" Court. The body of the document seeks an Order for Habeas Corpus Ad Testificandum, so that Angel Diaz may "answer to the outstanding warrant in the above-listed case...." Motion, at 1. There is no reference to any case pending before the United States District Court for the District of Massachusetts. Attached to the Motion is a printout which references the above-captioned criminal case in this Court regarding charges against Angel Diaz for false statement in connection with a passport application. (*i.e.*, <u>United States v. Urena</u>, CR 99-10227-EFH). A review of this Court's records however, indicates that this criminal case was

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closed December 17, 1999. There is no indication of any pending matter in this case, or, for that

matter, in any other case in this District.

In light of the above, the Court is unable to determine whether Angel Diaz has

erroneously filed this "Motion for an Order of Habeas Corpus Ad Testificandum," in this Court

rather than the Massachusetts Trial Court, or whether he intended the pleading to be filed in this

Court. In either event, Angel Diaz has failed to provide a sufficient factual or legal basis upon

which this Court could grant the relief requested in the Motion. Accordingly, to the extent that

Angel Diaz intended this Motion for an Order of Habeas Corpus Ad Testificandum to be

reviewed by this Court, the Motion is denied without prejudice. If Angel Diaz intended such

Motion to be directed to the state court, he should re-file his pleading with the appropriate state

court.

SO ORDERED.

DATED: November 16, 2005

/s/ Edward F. Harrington

EDWARD F. HARRINGTON

SENIOR, UNITED STATES DISTRICT JUDGE

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